

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6226 OF 2004

Office notes, office Memoranda Court's or Judge's orders.
of Coram, appearance, Court's
orders or directions and
Registrar's orders.

Shri. Shailesh Shah with Prashant
Kulkarni i/by Zohair & Co. for the
Petitioner.

Ms. Nisha A. Dabhade for the
Respondent Nos. 1 and 2.

Shri.D.M. Joshi for the Respondent
Nos.3 and 4.

CORAM : R.S. MOHITE, J.
DATED : 05/12/2005.

P.C.

1. Heard parties.

2. Rule.

3. By consent, rule made returnable
forthwith.

4. This petition impugns an order
dated 3.7.2004 passed by the Addl.Chief
Judge, Small Causes Court on an interim

notice bearing No.174/2004 in Municipal Appeal Stamp No.382 of 2004. The said Municipal appeal is filed against an order passed on behalf of the B.M.C. refusing to renew the licence and permit. The permit had expired in the year 2001 and the licence had expired in the year 2003. The notice was for an injunction restraining the B.M.C. from cancelling the licence of the flour mill. In my view, such an injunction cannot be granted as it would have effect of permitting the running of a flour mill without licence. The Advocate for the petitioner has submitted that the petitioner is running the flour mill since 1961 and it has come from Petitioner No.1 to Petitioner No.2 in a family arrangement which arrangement was also recorded in consent terms filed in this court. Taking into consideration the above facts, it is directed that the Municipal appeal be decided expeditiously and in any case within six months from today or from

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the date of appeal being numbered whichever is later. The petitioners make a statement that the flour mill will not be run till the disposal of the appeal. Subject to these directions, petition stands disposed of finally.

(R. S. MOHITE, J.)